



COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
MARS SNACKFOOD US LLC,

against  
CERES COMMODITY GROUP, LLC,

Plaintiff(s)

Defendant(s)

Index No. 08 CIV 5265 (GEL)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

IN A CIVIL ACTION, BREACH OF CONTRACT, CIVIL COVER SHEET, RULE 7.1 STATEMENT, INDIVIDUAL PRACTICES OF JUDGE FRANCIS, INDIVIDUAL PRACTICES IN CIVIL CASES GERARD E. LYNCH, UNITED STATES DISTRICT JUDGE

STATE OF NEW YORK, COUNTY OF NEW YORK

party herein, is over 18 years of age and resides at CORONA, NEW YORK

That on 6/1/08 at 3:15 P M., at 420 MADISON AVENUE, NEW YORK, NEW YORK

deponent served the within summons, and complaint on

IN A CIVIL ACTION, BREACH OF CONTRACT, CIVIL COVER SHEET, RULE 7.1 STATEMENT, INDIVIDUAL PRACTICES OF JUDGE FRANCIS, INDIVIDUAL PRACTICES IN CIVIL CASES GERARD E. LYNCH, UNITED STATES DISTRICT JUDGE

defendant therein named,

CERES COMMODITY GROUP,  
LLC

INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as

1.  said defendant therein.

CORPORATION a FOREIGN LIMITED

2.  LIABILITY COMPANY (FLLC) by delivering thereat a true copy of each to ROLAND G. SANCHEZ personally, deponent knew said FLLC so served to be the FLLC described in said summons as said defendant and knew said individual to be CHIEF EXECUTIVE OFFICER/MANAGER thereof.

SUITABLE AGE PERSON by delivering thereat a true copy of each to

a person of suitable age

3.  and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—

4.  usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 4

5a.

MAILING TO  
BUSINESS  
USE WITH 3 OR 4

5b.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at

and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1. 2. OR 3

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input checked="" type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
6/13/08

JOHN DICANIO  
Notary Public, State of New York  
No. 01DM97768  
Qualified in Westchester County  
Commission Expires Feb. 11, 2011

PRINT NAME, SIGNATURE  
JUAN D. AGUIRRE

License No. 843839

## UNITED STATES DISTRICT COURT

Southern

District of

New York

Mars Snackfood US LLC,

V.

## SUMMONS IN A CIVIL ACTION

CASE NUMBER: 08 (CV)

Ceres Commodity Group, LLC,

08 CV 5265

TO: (Name and address of Defendant)

Ceres Commodity Group  
420 Madison Avenue  
New York, New York 10017

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

David J. Stone  
Greenberg Traurig LLP  
200 Park Avenue  
New York, New York 10166

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DATE

JUN 09 2008

(By) DEPUTY CLERK

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*

Served personally upon the defendant. Place where served:

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify):

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
*Date* *Signature of Server*

\_\_\_\_\_  
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.